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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,832	11/16/2001	Satoru Wakao	35.C15945	7584
5514	7590	07/20/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			YE, LIN	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/987,832	Applicant(s) WAKAO ET AL.	
	Examiner Lin Ye	Art Unit 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see page 15, filed on 5/3/2006, with respect to the rejection(s) of claim(s) 1-36 under the 35 U.S.C 112, second paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kondoh et al. U.S. Patent 6,968,058. This action is not made final.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 36 rejected under 35 U.S.C. 101 because:

For claim 36, the claimed invention is directed to non-statutory subject matter. Data structures (program) not claimed as embodied in **computer-readable media** are descriptive material *per se* and are not statutory because they are not capable of causing **functional change in the computer**. See. e.g., Warmerdam, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the

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computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

For art examination purpose, these claims will be interpreted as they are best understood.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondoh et al. U.S. Patent 6,968,058.

Referring to claim 1, the Kondoh reference discloses in Figures 1, 8 and 9, an image verification system comprising an image generation device (digital camera system 100, see Col. 4, lines 47-59) and a first image verification device (alteration inspection unit 101, see Col. 5, lines 7-25 or image sever system 107, see Col. 9, lines 62-67), wherein said image generation device includes: an image data generation unit (image pickup device 2) adapted to generate image data; and a first verification data generation unit (MAC generating unit 11) adapted to generate first verification data (MAC as shown in Figure 2, MAC1 shown in Figure 9, step S1) using said image data and first information (file header information) (see Col. 4, lines 60-67, Col. 5, lines 1-7 and Col. 10, lines 14-17), and wherein said first image

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verification device includes: a first verification unit (MAC verification unit 73, see Col. 10, lines 13-25) adapted to verify, using said image data, said first verification data and said first information, whether said image data is altered or not and a second verification data generation unit (MAC generating unit 88) adapted to generate second verification data using said image data and second information (editing history), if it is verified by said first verification unit that said image data is not altered (See Col. 10, lines 29-67).

Referring to claim 2, the Kondoh reference discloses wherein said first verification data generation unit generates said first verification data using a hash function (MD) and a predetermined calculation (See Col. 1, lines 41-58).

Referring to claim 3, the Kondoh reference discloses wherein said second verification data generation unit generates said second verification data using a hashing function and public key cryptography (See col. 9, lines 8-15 and 10, lines 19-67).

Referring to claim 4, the Kondoh reference discloses wherein , if it is verified by said first verification unit that said image data is altered, said second verification data generation unit disables generation of said second verification data (e.g., only the image is not altered, the image file input to image editing unit. The second verification data MAC2 depends on editing history, see Figure 9, S6-S7).

Referring to claim 5, the Kondoh reference discloses wherein said first image verification device includes a memory (storage medium 70) for storing a correspondence relationship between said first information (image header information0 and said second information (editing history) as shown in Figure 9 (see Col. 11, lines 1-5).

Referring to claim 6, the Kondoh reference discloses wherein said first information is ID information for identifying said image generation device (see Col. 7, lines 65-67 and Col. 8, lines 1-2).

Referring to claim 7, the Kondoh reference discloses wherein said second information is a private key used for public key cryptography (See Col. 10, lines 55-67).

Referring to claim 8, the Kondoh reference discloses wherein a second image verification device includes a second verification unit adapted to verify, using said image data, said second verification data and third information corresponding to said second information, whether said image data is altered or not (see Col. 10, lines 3-67).

Referring to claim 9, the Kondoh reference discloses wherein said second information is a private key used for public key cryptography and said third information is a public key used for public key cryptography (see Col. 10, lines 29-61).

Referring to claim 10, the Kondoh reference discloses wherein said second image verification device (image server system 107) is a server computer and said first image verification device (alteration inspection unit 101) is a client of the server computer as shown in Figures 1 and 8.

Referring to claim 11, the Kondoh reference discloses wherein said image generation device is an electronic apparatus (digital camera 100) provided with an image pickup unit (image pickup device 2) as shown in Figure 1.

Referring to claim 12, the Kondoh reference discloses wherein said image generation device is a digital camera (100) as shown in Figure 1.

Referring to claim 13, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 1.

Referring to claim 14, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 2.

Referring to claim 15, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 3.

Referring to claim 16, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 4.

Referring to claim 17, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 5.

Referring to claim 18, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 6.

Referring to claim 19, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 7.

Referring to claim 20, the Kondoh reference discloses wherein said second device is an IC card as shown in Figure 12.

Referring to claim 21, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 10.

Referring to claim 22, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 8.

Referring to claim 23, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 9.

Referring to claim 24, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 10.

Referring to claim 25 the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 11.

Referring to claim 26, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 12.

Referring to claim 27, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 1.

Referring to claim 28, the Kondoh reference discloses all subject matter as discussed with respected same comments to claims 2-3.

Referring to claim 29, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 7.

Referring to claim 30, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 4.

Referring to claim 31, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 5.

Referring to claim 32, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 1.

Referring to claim 33, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 2.

Referring to claim 34, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 7.



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Referring to claim 35, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 4.

Referring to claim 36, the Kondoh reference discloses a storage medium (IC Card) storing a program for implementing the image verification method (See Col. 11, lines 45-67).

Referring to claim 37, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 6.

Referring to claim 38, the Kondoh reference discloses all subject matter as discussed with respected same comments to claim 6.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lin Ye', with a long horizontal flourish extending to the right.

Lin Ye  
Primary Examiner  
Art Unit 2622

July 15, 2006